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CODIS OPERATING POLICIES AND PROCEDURES MANUAL	Amendment Designator 9B
	Effective Date: 7-August-2006
<p>9 NDIS-RELATED PROCEDURES</p> <p>9.1 In accordance with NDIS requirements, the following information from all DFS CODIS users (defined by NDIS as personnel who have log on access to the CODIS system and/or are qualified DNA analysts who are responsible for producing the DNA profiles stored in NDIS) will be provided to the FBI for security clearance. Refer to Appendix G for a copy of each of the forms except form FD-258.</p> <p style="padding-left: 40px;">FD-484: Privacy Act Explanation FD-258: Fingerprint (10 Print) Card, two copies FD-816: Background Data Information Form CODIS User Information Form</p> <p>9.2 Only data within SDIS that complies with the Memorandum of Understanding signed between the FBI and the Department will be uploaded to NDIS. The data will comply, as soon as possible, with the current versions of the NDIS Procedures Manual, NDIS Standards for Acceptance of DNA Data, the FBI's "Quality Assurance Standards for Forensic DNA Testing Laboratories" and "Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories", and the Federal Justice for All Act 2004.</p> <p>9.2.1 The State System Administrator, or designee, will be responsible for uploading eligible arrestee, convicted offender and forensic case profiles from SDIS to NDIS. The upload to NDIS is currently scheduled by NDIS to occur once each week, but may be changed at the discretion of NDIS.</p> <p>9.2.2 Forensic profiles are required to have data for at least 10 of the CODIS STR core loci (CSF1PO, D3S1358, D5S818, D7S820, D8S1179, D13S317, D16S539, D18S51, D21S11, FGA, TH01, TPOX, and vWA) to qualify for upload into NDIS. Profiles from Unidentified Human Remains and Missing Persons are required to have results for at least 8 of the CODIS STR core loci. However, CODIS requires data at all 13 STR core loci for Convicted Offender and Arrestee profiles to be uploaded into NDIS.</p> <p>9.2.2.1 Currently, new offender and arrestee STR profiles generated by the Department will be uploaded to NDIS only if the specimens contain results at all 13 core loci.</p> <p>9.2.2.2 Single source STR profiles in SDIS from forensic non-subject cases that can be "attributed to the putative perpetrator" and contain results at 10 or more of the CODIS core loci will be uploaded to NDIS.</p> <p>9.2.2.3 A mixture STR profile from a forensic non-subject case that can be "attributed to the putative perpetrator" and contains results at 10 or more of the CODIS core loci will be uploaded to NDIS if it complies with the NDIS "4X4 rule". The "4X4 rule" states that a mixture profile with 3 or 4 alleles at up to 4 core loci, and no more than 2 alleles at the remaining core loci is acceptable at NDIS. A mixture profile exceeding this "4X4 rule" is not acceptable at NDIS.</p> <p>9.2.2.4 Single source STR profiles in SDIS from subject cases that can be "attributed to the putative perpetrator" and contain results at 10 or more of the CODIS core loci will be uploaded to NDIS.</p>	

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<p>9.2.2.5 STR mixture profiles in SDIS from subject cases that can be “attributed in part to the putative perpetrator” and contain results at 10 or more of the CODIS core loci will NOT be uploaded to NDIS.</p> <p>9.2.2.6 When a forensic non-subject profile is determined to be unsuitable for NDIS after a Certificate of Analysis has been issued indicating that the profile has been submitted to NDIS, another Certificate of Analysis will be issued to notify the investigator that the profile has been removed from NDIS.</p> <p>9.2.3 NDIS requires that each CODIS user annually acknowledge the specimen categories and additional rules for DNA profiles uploaded to NDIS, as described in the NDIS Procedures Manual and the NDIS Standards for Acceptance of DNA Data. This acknowledgement will be documented on the form found in Appendix H and will be maintained by the State CODIS System Administrator. This form will be provided to each new CODIS user and thereafter annually during the month of January.</p> <p>9.3 All complete DNA profiles uploaded to NDIS will be automatically searched by NDIS against the DNA profiles from other states. Currently, this search is conducted by NDIS once a week.</p> <p>9.3.1 Matches obtained as a result of such searches will be sent automatically via the CJIS-WAN to SDIS. These potential matches will be reviewed by the State System Administrator, or designee, who will coordinate the communication between the System Administrator or personnel of the other state(s) and the Department personnel involved in the evaluation and verification of the potential hit.</p> <p>9.3.2 The evaluation and verification of NDIS hits will be in accordance with the procedures outlined in the section “SEARCHES Confirm an Interstate Candidate Match” in the NDIS Procedures Manual (most current version, published by the FBI, US-DOJ), and Section 7 of this document, with due consideration given to the requirements of the other state(s) involved in the NDIS Match.</p> <p>9.3.2.1 A NDIS match may occur between a Virginia convicted offender or arrestee profile and a forensic subject case profile from another state. When requested, the individual’s name will be provided to confirm the individual’s identity. These NDIS matches will not be counted as NDIS hits.</p> <p>9.3.2.2 Occasionally, a NDIS match will occur between a Virginia forensic subject case profile and a Convicted Offender or Arrestee profile from another state. No verification of such NDIS matches will be required unless specifically requested by the other state. These NDIS matches will not be counted as NDIS hits.</p> <p>9.3.2.3 Similarly, a NDIS match may occur between a Virginia forensic subject case profile and a forensic subject case profile from another state. No verification of such NDIS matches will be required unless specifically requested by the other state. These NDIS matches will not be counted as NDIS hits.</p> <p>9.3.3 The reporting to a Virginia agency of a NDIS hit involving a Virginia non-subject forensic profile uploaded from SDIS to NDIS will be in accordance with procedures set forth in the <u>Commonwealth of Virginia Department of Forensic Science Forensic Biology Section Procedure Manual, Section III - Fluorescent Detection PCR-Based STR DNA Protocol</u>. The</p>	

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<p>hit cannot be reported until the appropriate information is provided in writing by the other state involved.</p> <p>9.3.4 A NDIS hit involving a Virginia convicted offender or arrestee to a forensic non-subject case profile outside the Commonwealth of Virginia will be reported to the outside agency in accordance with the procedures outlined in section “SEARCHES Confirm an Interstate Candidate Match” in the NDIS Procedures Manual (most current version, published by the FBI, US-DOJ). A written report of the NDIS match will be provided upon request of the outside agency. Refer to Appendix C for the format used to report the CODIS match to the outside agency.</p> <p>9.4 The expungement of a convicted offender DNA profile that has been previously uploaded to NDIS will be performed in accordance with Section 3.8 of this document and Chapter 10 of the DNA Data Bank Operating Policies and Procedures Manual.</p> <p>The expungement of an arrestee DNA profile that has been previously uploaded to NDIS will be performed in accordance with Chapter 9 (Section 9.1.1.3) of the DNA Data Bank Operating Policies and Procedures Manual.</p> <p>In compliance with 42 USC § 14132 (d) (2) (a) (ii) (DNA Fingerprinting Act 2005), a request for expungement of an arrestee DNA profile accompanied by a certified copy of a final court order establishing that the person was not convicted of a qualifying offense (i.e. charge dismissed, resulted in acquittal, nolle prossed, or reduced to misdemeanor) will be processed in the same manner described above. There is currently no statute of limitation time periods applicable to any qualifying arrestee offenses in Virginia.</p> <p>9.5 The CODIS Fax Network Search Request was established by the FBI to facilitate the search of DNA profiles between states that are not routinely uploading profiles to NDIS and those states participating in NDIS. This also allows NDIS participating laboratories to search profiles in state databases that do not qualify for upload to NDIS.</p> <p>9.5.1 An examiner who has a forensic profile requiring a CODIS Fax Network Search will make the request in accordance with Section 5 of this manual.</p> <p>9.5.2 The request will be faxed to the FBI NDIS Custodian, who will coordinate the dissemination of the search request to all CODIS laboratories via the CJIS-WAN or by fax. Refer to Appendix D for the CODIS Fax Network Search Request form, which contains the requirements for such searches.</p> <p>9.5.3 The State CODIS Administrator, or designee, will process the CODIS Fax Network Search requests received by the laboratory in accordance with Section 5 of this manual. CODIS matches generated as a result of such requests will be verified in the manner outlined in Section 7, with due consideration given to the requirement of the other state(s) involved. Refer to Appendix C for the general format used to report the CODIS match to the outside agency.</p> <p>9.6 NDIS required documents concerning external audit information will be provided to NDIS at the specified time and in the format prescribed in the NDIS Procedures Manual or by direct communication and/or instructions from NDIS.</p> <p align="right">◆END</p>	